IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

COMMISSION,))
Applicant,))) MICCELL ANEQUE ACTION NO.
v.) MISCELLANEOUS ACTION NO:) 4:08-mc-00364
FOXCONN CORPORATION)
Respondent.)

PETITIONER'S UNOPPOSED MOTION TO CONTINUE SHOW CAUSE HEARING

- 1. As set forth in Petitioner's Application to Enforce Administrative Subpoenas filed in this cause, this is an action for enforcement of two administrative subpoenas issued by Petitioner Equal Employment Opportunity Commission ("EEOC") as part of the EEOC's investigation of a charge of unlawful employment practices under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, and the Age Discrimination in Employment Act, as amended, 29 U.S.C. § 621, *et seq.*
- 2. On July 28, 2008, the Court entered a Show Cause Order requiring Respondent Foxconn Corporation ("Foxconn") to appear before the Court on August 29, 2008, at 1:30 p.m., and show cause why an order of the Court should not be issued directing Respondent to comply with the subpoenas. On August 27, 2008, Petitioner filed an Unopposed Motion to Continue Show Cause Hearing which was granted by the Court. The Show Cause hearing was rescheduled to **October 24, 2008, at 1:30 p.m.**

3. Since the filing of Petitioner's Application and since the Court granted the original continuance, Foxconn and Petitioner have been engaged in communications in an attempt to resolve this matter without the necessity of further court intervention. Although the parties have made progress in this regard, there are still matters outstanding that need to be resolved. It is anticipated that the parties need approximately an additional calendar month to either resolve this matter informally or, in the alternative, proceed with the Show Cause Hearing. Accordingly, for good cause shown, Petitioner is asking the Court for a continuance of the Show Cause Hearing until a date on or following November 24, 2008.

4. As set forth in the Certificate of Conference below, Foxconn is unopposed to this Motion. This Motion is not sought for delay only, but so that justice may be done.

WHEREFORE, PREMISES CONSIDERED, the Equal Employment Opportunity Commission prays that the Court continue the Show Cause Hearing in this matter to a date on or following November 24, 2008, to allow the parties to attempt to resolve this matter informally. Petitioner prays for such other and further relief to which it may be justly entitled.

Respectfully submitted,

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

RONALD S. COOPER General Counsel

JAMES L. LEE Deputy General Counsel

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_/s/_Connie K. Wilhite_____

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OF COUNSEL:

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CERTIFICATE OF CONFERENCE

I hereby certify that, on October 23, 2008, I conferred with counsel for Respondent, Tim Watson, by email, and he represented that Respondent is not opposed to a continuance of the Show Cause Hearing, as set forth in the foregoing Motion.

_/s/_Connie K. Wilhite_____ Connie K. Wilhite

CERTIFICATE OF SERVICE

I certify that on the 23rd day of October, 2008, a copy of Petitioner's Unopposed Motion to Continue Show Cause Hearing was served on Respondent Foxconn Corporation by electronic transmission, by and through its counsel of record:

Tim Watson Esteban Shardonofsky Seyfarth Shaw, L.L.P. 700 Louisiana Street, Suite 3700 Houston, Texas 77002-2797

> _/s/_Connie K. Wilhite_____ Connie K. Wilhite